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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,555	07/29/2003	Wade Jackson	723-1413	4744
27562 7590 01/23/2008 NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
FRENEL, VANEL				
ART UNIT		PAPER NUMBER		
3627				
MAIL DATE		DELIVERY MODE		
01/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/628,555

**Applicant(s)**

JACKSON ET AL.

**Examiner**

VANEL FRENEL

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Notice to Applicant

1. This communication is in response to the Amendment filed on 10/24/07. Claim 1 has been amended. Claim 10 has been cancelled. Claims 1-9 and 11-23 are pending.

### Claim *Rejections* - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-9 and 11-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capazario et al. (2003/0154141) in view of Huang et al. (6,151,582) and further in view of Dovolis (2001/0034609).  
(A) As per claim 1, Capazario discloses a system for use by a sales administrator for allocating product, comprising: an accounts interface for allowing the sales administrator to define accounts for product allocation (See Capazario, Page 1, Paragraphs 0002-0003); a products interface for allowing the sales administrator to define products for allocation (See Capazario, Page 2, Paragraph 0013); an allocation interface that enables the sales administrator to assign an allocation method for each defined product (See Capazario, Page 7, Paragraph 0088).

Capazario does not explicitly disclose a computer program that summarizes analysis statistics by allocation method, time and products; a statistics interface that displays the summarized analysis statistics and enables the sales administrator to

perform a historical analysis of product performance by account; a computer program that allocates a launch quantity to each account for a new product launch and allocates product to each account for replenishment of a previously launched product based on the allocation method assigned to the product.

However, this feature is known in the art, as evidenced by Huang. In particular, Huang suggests that the system having a computer program that summarizes analysis statistics by allocation method, time and products (See Huang, Col.44, lines 55-67 to Col.45, line 14); a statistics interface that displays the summarized analysis statistics and enables the sales administrator to perform a historical analysis of product performance by account (See Huang, Col.93, lines 38-67); a computer program that allocates a launch quantity to each account for a new product launch and allocates product to each account for replenishment of a previously launched product based on the allocation method assigned to the product (See Huang, Fig.49; Col.31, lines 39-55; Col.32, lines 24-52).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Huang within the system of Capazario with the motivation of allowing the manufacturer or vendor to plan the supply of goods and services for a customer that integrates all information about a product, including current, past and projected future sales and inventory, into a feasible replenishment plan (See Huang, Col.2, lines 11-16).

In addition, as best understood, Capazario and Huang do not explicitly disclose "to a plurality of locations", "each account corresponding to at least one said location in

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said plurality of locations", "among said plurality of locations", "and/or reassign", "the allocation method being at least one of a fixed allocation method, a static allocation method, and a dynamic allocation method", "and in accordance with a predefined business allocation goal provided by the sales administrator for the plurality of locations".

However, these features are known in the art, as evidenced by Dovolis. In particular, Dovolis suggests that the system having "to a plurality of locations", "each account corresponding to at least one said location in said plurality of locations", "among said plurality of locations", "and/or reassign", "the allocation method being at least one of a fixed allocation method, a static allocation method, and a dynamic allocation method", "and in accordance with a predefined business allocation goal provided by the sales administrator for the plurality of locations" (See Dovolis, Page 8, Paragraph 0091).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Dovolis within the collective teachings of Capazario and Huang with the motivation of providing a system and method for managing personal and/or business assets (See Dovolis, Fig.9; Page 1, Paragraph 0002).

The remaining features are rejected for the same reasons given in the prior Office Action, and incorporated herein.

(B) As per claim 2, Capazario discloses the system further including a redistribute procedure that uses product availability measures to redistribute the allocations based on product availability and allocation methods used (See Capazario, Page 2, Paragraphs 0018-0019; Page 4, Paragraph 0051).

(C) As per claim 3, Huang discloses the system further including an allocation interface that shows the allocations for a selected product (See Huang, Col.31, lines 30-55).

The motivation for combining the respective teachings of Capazario, Huang and Dovolis are as discussed above in the rejection of claim 1 above, and incorporated herein.

(D) As per claim 4, Huang discloses the system wherein the allocation interface enables the sales administrator to make manual adjustments to the computer generated allocations (See Huang, Col.26, lines 63-67 to Col.27, line 15).

The motivation for combining the respective teachings of Capazario, Huang and Dovolis are as discussed above in the rejection of claim 1 above, and incorporated herein.

(E) As per claim 5, Huang discloses the system further including a procedure that loads the allocations into an order processing system (See Huang, Col.51, lines 5-21).

The motivation for combining the respective teachings of Capazario, Huang and Dovolis are as discussed above in the rejection of claim 1 above, and incorporated herein.

(F) As per claim 6, Huang discloses the system, wherein the products interface enables products groups to be defined (See Huang, Col.93, lines 38-52).

The motivation for combining the respective teachings of Capazario, Huang and Dovolis are as discussed above in the rejection of claim 1 above, and incorporated herein.

(G) As per claim 7, Huang discloses the system wherein the accounts interface enables account groups to be defined, and the allocation interface enables an account group to be selected for display of the allocation (See Huang, Col.93, lines 2-36).

The motivation for combining the respective teachings of Capazario, Huang and Dovolis are as discussed above in the rejection of claim 1 above, and incorporated herein.

(H) As per claim 8, Huang discloses the system wherein the redistribute procedure takes product advertisement information into account when redistributing allocations (See Huang, Col.50, lines 10-45).

The motivation for combining the respective teachings of Capazario, Huang and Dovolis are as discussed above in the rejection of claim 1 above, and incorporated herein.

(I) As per claim 9, Huang discloses the system further including an interface to an ad planning system which provides the advertisement information to the system (See Huang, Col.55, lines 39-50).

The motivation for combining the respective teachings of Capazario, Huang and Dovolis are as discussed above in the rejection of claim 1 above, and incorporated herein.

(J) As per claim 11, Huang discloses the system further including a logging function that enables display of revision history for allocations (See Huang, Col.103, lines 36-56).

The motivation for combining the respective teachings of Capazario, Huang and Dovolis are as discussed above in the rejection of claim 1 above, and incorporated herein.

(K) As per claim 12, Huang discloses the system wherein the statistics interface displays historical information for related products for use by the sales administrator in making allocation decisions (See Huang, Col.108, lines 54-67 to Col.109, line 18; Col.111, lines 1-11).



The motivation for combining the respective teachings of Capazario, Huang and Dovolis are as discussed above in the rejection of claim 1 above, and incorporated herein.

(L) As per claim 13, Capazario discloses in a system for use by a sales administrator for allocating product to a plurality of locations, a method comprising: receiving, via an accounts interface, input from the sales administrator defining accounts for product allocation, each said account corresponding to at least one said location in said plurality of locations (See Capazario, Page 1, Paragraphs 0002-0003); receiving, via a products interface, input from the sales administrator defining products for allocation among said plurality of locations (See Capazario, Page 2, Paragraph 0013); receiving, via an allocation interface, input from the sales administrator assigning and/or reassigning an allocation method for each defines product (See Capazario, Page 7, Paragraph 0088).

Capazario does not explicitly disclose that the system having the allocation method being either a static allocation method or a dynamic allocation method; summarizing analysis statistics by allocation method, time and products; displaying, via a statistics interface, the summarized analysis statistics, the statistics interface enabling the sales administrator to perform a historical analysis of product performance by account.

However, this feature is known in the art, as evidenced by Huang. In particular, Huang suggests that the system having the allocation method being either a static allocation method or a dynamic allocation method (See Huang, Fig.4; Col.6, lines 45-67;

Col.8, lines 30-49); summarizing analysis statistics by allocation method, time and products (See Huang, Col.44, lines 55-67 to Col.45, line 14); displaying, via a statistics interface, the summarized analysis statistics, the statistics interface enabling the sales administrator to perform a historical analysis of product performance by account (See Huang, Col.93, lines 38-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Huang within the system of Capazario with the motivation of allowing the manufacturer or vendor to plan the supply of goods and services for a customer that integrates all information about a product, including current, past and projected future sales and inventory, into a feasible replenishment plan (See Huang, Col.2, lines 11-16).

As best understood, Capazario and Huang do not explicitly disclose the system having allocating a launch quantity to each account for a new product launch and allocating product to each account for replenishment of a previously launched product, based on the allocation method assigned to the product and in accordance with a predefined business allocation goal provided by the sales administrator for the plurality of locations.

However, this feature is known in the art, as evidenced by Dovolis. In particular, Dovolis suggests that the system having allocating a launch quantity to each account for a new product launch and allocating product to each account for replenishment of a previously launched product, based on the allocation method assigned to the product

and in accordance with a predefined business allocation goal provided by the sales administrator for the plurality of locations (See Dovolis, Page 8, Paragraph 0091).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Dovolis within the collective teachings of Capazario and Huang with the motivation of providing a system and method for managing personal and/or business assets (See Dovolis, Fig.9; Page 1, Paragraph 0002).

(M) Claims 14-23 repeat the limitations of the underlying process steps of the elements of claims 2-9 and 11-12, respectively. As the various elements of claims 2-9 and 11-12 and have been shown to be either disclosed by or obvious in view of the collective teachings of Capazario, Huang and Dovolis, it is apparent that the method disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 14-23 are rejected for the same reasons given above for systems claims 2-9 and 11-12, and incorporated herein.

#### ***Response to Arguments***

4. Applicant's arguments filed on 10/24/07 with respect to claims 1-9 and 11-23 have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied prior art teaches system and method of managing inventory (6,961,709) and client-side E-Commerce and Inventory Management system, and method (2003/0014317).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender, Ryan Florian can be reached on 571-272-6790. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art  
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January 15, 2008